MONTANA LEGISLATIVE HISTORY

Chapter 483 19 89

Bill H 258 S _____ Original bill & history X C

H. Committee on BUSINESS & ECON. DEV. S. Committee on BUSINESS & INDUSTRY

H. Committee on BUSINESS & ECON. DEV.			S. Committee on BUSINESS & INDUSTRY		
Hearing Date(s) & EXEC ACTION	1/26	X C	Hearing Date(s) & EXEC ACTION	3/10	X C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

NOTE: OUR COPY OF THE MINUTES ONLY CONTAINS PAGES 1 & 2 OF 6 PAGES. PLEASE CONTACT MT HISTORICAL SOCIETY TO SEE IF THEIR VERSION IS MORE COMPLETE.

3/11 COMMITTEE REPORT--BILL CONCURRED
3/13 2ND READING CONCURRED 49 0
3/15 3RD READING CONCURRED 47 0

RETURNED TO HOUSE
3/21 SIGNED BY SPEAKER
3/21 SIGNED BY PRESIDENT
3/22 TRANSMITTED TO GOVERNOR
3/27 SIGNED BY GOVERNOR
CHAPTER NUMBER 328 EFFECTIVE DATE: 10/01/89

HB 254 INTRODUCED BY THOFT, ET AL.
REQUIRE RECITATION OF PLEDGE OF ALLEGIANCE IN THE SCHOOLS OF THE DISTRICT

1/17 INTRODUCED
1/18 REFERRED TO EDUCATION & CULTURAL RESOURCES
2/15 HEARING
2/18 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/20 2ND READING PASSED 96 1
2/21 3RD READING PASSED 97 2

TRANSMITTED TO SENATE
2/28 REFERRED TO STATE ADMINISTRATION
3/14 HEARING
3/14 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
3/16 2ND READING CONCURRED 41 6
3/18 3RD READING CONCURRED 43 4

RETURNED TO HOUSE WITH AMENDMENTS
3/30 MOTION TO CONCUR WITH AMENDMENTS ON 2ND READING FAILED 50 50
3/31 CONFERENCE COMMITTEE APPOINTED

SENATE
4/04 CONFERENCE COMMITTEE APPOINTED

DIED IN PROCESS

HB 255 INTRODUCED BY PAVLOVICH
CUMULATIVE LIMIT OF 20 ON KENO AND POKER MACHINES IN LICENSED ESTABLISHMENT

1/17 INTRODUCED
1/18 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
1/19 FISCAL NOTE REQUESTED
1/26 FISCAL NOTE RECEIVED
1/26 FISCAL NOTE PRINTED
DIED IN COMMITTEE

HB 256 INTRODUCED BY COHEN, ET AL.
AUTHORIZE A LOCAL GOVERNMENT TO IMPOSE A LOCAL OPTION LODGING FACILITY TAX

1/17 INTRODUCED
1/18 REFERRED TO TAXATION
1/19 FISCAL NOTE REQUESTED
1/24 FISCAL NOTE RECEIVED
1/26 FISCAL NOTE PRINTED
2/10 HEARING

DIED IN COMMITTEE

HB 257 INTRODUCED BY COHEN
ALLOW REALTY TRANSFER TAX FOR FUNDING LOCAL PLANNING

1/17 INTRODUCED
1/18 REFERRED TO TAXATION
1/19 FISCAL NOTE REQUESTED
1/24 FISCAL NOTE RECEIVED
1/25 FISCAL NOTE PRINTED
DIED IN COMMITTEE

HB 258 INTRODUCED BY SPAETH, ET AL.
CREATE BOARD OF TRAMWAY SAFETY
BY REQUEST OF DEPARTMENT OF COMMERCE

1/17 INTRODUCED
1/18 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
1/19 FISCAL NOTE REQUESTED
1/25 FISCAL NOTE RECEIVED
1/26 HEARING
1/27 COMMITTEE REPORT--BILL PASSED AS AMENDED
1/28 FISCAL NOTE PRINTED
1/30 2ND READING PASSED 78 20
2/01 3RD READING PASSED 82 16

TRANSMITTED TO SENATE
2/02 REFERRED TO BUSINESS & INDUSTRY
3/10 HEARING
3/10 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
3/14 2ND READING CONCURRED 48 0
3/16 3RD READING CONCURRED 46 1

RETURNED TO HOUSE WITH AMENDMENTS
3/30 2ND READING AMENDMENTS CONCURRED 96 0
3/31 3RD READING AMENDMENTS CONCURRED 91 7

4/06 SIGNED BY SPEAKER
4/06 SIGNED BY PRESIDENT
4/07 TRANSMITTED TO GOVERNOR
4/10 SIGNED BY GOVERNOR
CHAPTER NUMBER 483 EFFECTIVE DATE: 1/01/90

HB 259 INTRODUCED BY SPAETH
MANDATE HANDICAPPED ACCESS IN NEW PUBLIC BUILDINGS, CHURCHES, AND RESIDENCES

1/17 INTRODUCED
1/18 REFERRED TO HUMAN SERVICES & AGING
1/20 HEARING
1/24 TABLED IN COMMITTEE

HB 260 INTRODUCED BY CLARK
PROVIDE THAT PERSON DRIVING MOTOR VEHICLE OR COMMERCIAL MOTOR VEHICLE IN THIS STATE WHILE LICENSE IS SUSPENED OR REVOKED IN ANY STATE IS GUILTY OF MISDEMEANOR
BY REQUEST OF DEPARTMENT OF JUSTICE

1/17 INTRODUCED

HOUSE BILL NO. 258

INTRODUCED BY SPAETH, COHEN, GRADY,
GUTHRIE, GOOD, REAM

BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE HOUSE

JANUARY 18, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
	FIRST READING.
JANUARY 27, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 28, 1989	PRINTING REPORT.
JANUARY 30, 1989	SECOND READING, DO PASS.
JANUARY 31, 1989	ENGROSSING REPORT.
FEBRUARY 1, 1989	THIRD READING, PASSED. AYES, 82; NOES, 16.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
MARCH 10, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 11, 1989	ON MOTION, CONSIDERATION PASSED UNTIL 59TH LEGISLATIVE DAY.
MARCH 14, 1989	SECOND READING, CONCURRED IN.
MARCH 16, 1989	THIRD READING, CONCURRED IN. AYES, 46; NOES, 1.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 30, 1989 — RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS CONCURRED IN.

MARCH 31, 1989 — THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0522/01

House BILL NO. 298

INTRODUCED BY Smith, Ream, Brady, Matthews

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A BOARD OF PASSENGER TRAMWAY SAFETY; TRANSFERRING TO THE NEW BOARD THE POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF COMMERCE RELATING TO TRAMWAYS; PROVIDING FOR ANNUAL TRAMWAY REGISTRATION CERTIFICATES; PROVIDING LIABILITY LIMITS; AMENDING SECTIONS 23-2-701, 23-2-702, 23-2-711 THROUGH 23-2-715, 23-2-721 THROUGH 23-2-725, AND 23-2-734, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Board of passenger tramway safety.** (1) There is a board of passenger tramway safety.

(2) The board consists of seven members appointed by the governor. Members of the board shall serve staggered 4-year terms, commencing on January 1 of each year of appointment. A member who has served two successive complete terms is not eligible for reappointment for 1 year. Upon notice and hearing, the governor may remove a member for neglect of duty or other just cause. A vacancy on the board must be filled in the same manner as the original appointment and only for the unexpired portion of the term.

(3) The members are:

(a) two skiers representative of the public;

(b) one licensed attorney who is a member of the skiing public;

(c) one employee from the United States forest service working in the field of passenger tramway safety;

(d) two persons involved with the operation of active ski areas; and

(e) one person who is a Montana-licensed professional engineer.

(4) Board members shall receive compensation for performance of board duties as provided in 2-15-124.

(5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

NEW SECTION. **Section 2. Liability limits.** The board, individual board members, technical advisers appointed by the board, and any independent contractor with whom the board contracts must be provided all protections of governmental immunity granted to public employees by 2-9-108, including but not limited to the provision of legal defense, the payment of court costs, and the payment of judgments and settlements. These protections are provided only with regard to actions brought because of acts or omissions committed by such persons in the course of official tramway duties.

INTRODUCED BILL
HB 258

Section 3. Section 23-2-701, MCA, is amended to read:

"**23-2-701. Policy of state.** In order to safeguard the life, health, property, and welfare of the citizens of Montana while using passenger tramways, as defined in 23-2-702, it shall be the policy of the state to protect its citizens and visitors from unnecessary mechanical hazards in the design, construction, and operation of passenger tramways but not from the hazards inherent in the sports of mountaineering, skiing, and hiking or from the hazards of the area utilized by the skier or other sportsman and that periodic inspections be required of passenger tramways with a view to assuring that each one of them meets the rules set forth by the ~~department~~ board. The state, through the ~~department~~ board, shall register all passenger tramways in the state, establish reasonable standards of design, construction, and operational practices, and cause to be made such inspections as may be necessary in carrying this policy into effect."

Section 4. Section 23-2-702, MCA, is amended to read:

"**23-2-702. Definitions.** As used in this part, the following definitions apply:

(1) "Area" means the area, terrain, or ski slopes served by a passenger tramway.

(2) "Board" means the board of passenger tramway safety provided for in [section 1].

~~(2)--"Department"--means--the--department--of--commerce provided-for-in-2-15-1801.~~

(3) "Industry" means the passenger tramway business activities of all those persons in the state who own, manage, or direct the operation of passenger tramways.

(4) "Operator" means a person, including any political subdivision or instrumentality thereof, who owns, manages, or directs the operation of a passenger tramway.

(5) "Passenger tramway" means a device used to transport passengers by means of any of the following:

(a) two-car aerial passenger tramway, a device used to transport passengers in two open or enclosed cars attached to and suspended from a moving wire rope or attached to a moving wire rope and supported on a standing wire rope or similar devices;

(b) multicar aerial passenger tramway, a device used to transport passengers in several open or enclosed cars or carrying device attached to and suspended from a moving wire rope or attached to a moving wire rope and supported on a standing wire rope or similar devices;

(c) skimobile, a device in which a passenger car running on steel or wooden tracks is attached to and pulled by a steel cable or similar devices;

(d) chair lift, a type of transportation on which passengers are carried on chairs suspended in the air and

attached to a moving cable, chain, or link belt supported by trestles or towers with one or more spans or similar devices;

(e) a J-bar, T-bar, or platterpull, so-called, and similar types of devices or means of transportation which pull skiers riding on skis by means of an attachment to a main overhead cable supported by trestles or towers with one or more spans;

(f) rope tow, a type of transportation which pulls the skier, riding on skis as the skier grasps the rope or wire rope manually, or similar devices."

Section 5. Section 23-2-711, MCA, is amended to read:

"**23-2-711. Registration of tramways required.** No passenger tramway shall be operated in this state unless it has been and continues to be registered with the ~~department~~ board, provided that the initial application for the registration of a passenger tramway shall permit the operator to operate such passenger tramway until final action on the application shall have been taken by the ~~department~~ board. If an operator files an application with the ~~department~~ board for the registration of a passenger tramway, which at that time is registered, then the operator may continue the operation of such passenger tramway under the existing registration until the ~~department~~ board takes final action on the pending application and shall have:

(1) issued a certificate to the operator; or

(2) given written notice to the operator that the passenger tramway has not qualified for certification."

Section 6. Section 23-2-712, MCA, is amended to read:

"**23-2-712. Application for registration.** Each year on or before October 1, every operator of a passenger tramway shall apply to the ~~department~~ board, on forms prepared by it, for registration of the passenger tramways owned, operated, or managed by him. The application shall contain such information as the ~~department~~ board may reasonably require in order for it to determine whether the passenger tramways sought to be registered comply with the intent of this part as specified in 23-2-701 and the rules promulgated by the ~~department~~ board pursuant to 23-2-721."

Section 7. Section 23-2-713, MCA, is amended to read:

"**23-2-713. Issuance of certificates.** (1) The ~~department~~ board shall issue to the applying operator annual registration certificates for each passenger tramway owned, managed, or operated by such operator when it is satisfied:

(a) that the facts stated in the application are sufficient to enable the ~~department~~ board to fulfill its duties under this part; and

(b) that each such passenger tramway sought to be registered complies with the rules of the ~~department~~ board promulgated pursuant to 23-2-721.

(2) In order to satisfy itself that the conditions described in subsections (1)(a) and (1)(b) of this section have been fulfilled, the ~~department~~ board may cause to be made such inspections described in 23-2-722 as it may reasonably deem necessary.

(3) When an operator installs a passenger tramway subsequent to October 1 of any year, such operator shall file a supplemental application for registration of such passenger tramway. Upon the receipt of such supplemental application, the ~~department~~ board shall proceed immediately to initiate proceedings leading to the registration or rejection of registration of such passenger tramway pursuant to the provisions of this part.

(4) Each annual registration shall expire on September 30 of the year next following the year of issuance.

(5) Each operator shall cause the registration certificate for each passenger tramway registered to be displayed conspicuously at the place where passengers load."

Section 8. Section 23-2-714, MCA, is amended to read:

"**23-2-714. Fees.** (1) The application for annual registration or supplemental application shall be accompanied by such annual fees as the ~~department~~ board may by rule fix from year to year, not to exceed the following annual fees:

(a) passenger tramways described in subsections (5)(e)

and (5)(f) of 23-2-702, $25 each;

(b) passenger tramways described in subsections (5)(c) and (5)(d) of 23-2-702, $50 each;

(c) passenger tramways described in subsections (5)(a) and (5)(b) of 23-2-702, $100 each.

(2) All fees collected by the ~~department~~ board shall be deposited in the state special revenue fund."

Section 9. Section 23-2-715, MCA, is amended to read:

"**23-2-715. Assessment on passenger tramway receipts.** (1) The ~~department~~ board is hereby authorized to impose an assessment of up to 1/4 of 1% on the gross receipts of all passenger tramways operated in the state of Montana. A minimum of $100 shall be collected annually from the owner of a passenger tramway facility. The assessment shall be calculated upon gross receipts received during the period July 1 of any year to July 1 of the following year. The assessments shall be collected by the department of revenue and remitted to the state special revenue fund by December 31 of each year.

(2) All proceeds of the gross receipts assessment and the fees collected under 23-2-714 shall be used only to support the duties of the ~~department~~ board set forth in this part."

Section 10. Section 23-2-721, MCA, is amended to read:

"**23-2-721. Additional powers and duties of department**

board. In addition to all other powers and duties conferred and imposed upon the ~~department~~ board by this part, the ~~department~~ board shall:

(1) adopt reasonable rules relating to public safety in the design, construction, and operation of passenger tramways but which may not relate or pertain to an area served by a passenger tramway. In adopting such rules the ~~department~~ board shall:

(a) use as a guideline the standards contained in "The American National Standards ~~Institute--Safety--Requirements~~ for ~~Aerial~~ Passenger Tramways--Aerial Tramways and Lifts, Surface Lifts, and Tows--Safety Requirements", ANSI B 77.1--~~1970~~ 1982, as amended from time to time, or equivalent and as amended or supplemented from time to time by the ~~department~~ board;

(b) hold hearings and take in all evidence relating to the adoption of ~~these~~ rules;

~~(2)~~(c) supply to each operator a copy of its rules and each amendment thereto or revision thereof;

~~(3)~~(d) avoid discrimination in application of the rules to operators of passenger tramways;

(2) The board may:

~~(4)~~(a) hold hearings and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the ~~department~~ board, subpoena witnesses,

administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry;

~~(5)~~(b) approve, deny, revoke, and renew the registrations provided for in this part;

~~(6)~~(c) cause the prosecution and enjoinder of all persons violating the provisions of this part and incur the necessary expenses thereof;

~~(7)~~(d) ~~employ,--within--the---funds---available,---and~~ prescribe the duties of such personnel as the ~~department~~ board considers necessary."

Section 11. Section 23-2-722, MCA, is amended to read:

"23-2-722. Inspection of tramways. The ~~department~~ board may cause to be made such inspection of the design, construction, operation, and maintenance of passenger tramways as the ~~department~~ board may reasonably require. The ~~department~~ board may employ qualified engineers to make such inspections for reasonable fees plus expenses. If, as the result of an inspection, it is found that a violation of the ~~department's~~ board's rules exists or a condition in passenger tramway design, construction, operation, or maintenance exists endangering the safety of the public, an immediate report shall be made to the operator whose passenger tramway has received such inspection and to the ~~department~~ board for appropriate investigation and order."

Section 12. Section 23-2-723, MCA, is amended to read:

"**23-2-723. Order for corrective action and compliance.** If, after investigation, the ~~department~~ board finds that a violation of this part or any of its rules exists or that there is a condition in passenger tramway design, construction, operation, or maintenance endangering the safety of the public, it shall forthwith issue its written order setting forth its findings, and the corrective action to be taken, and fixing a reasonable time for compliance therewith. Such order shall be served upon the operator involved in such violation personally or by ~~registered or~~ certified mail ~~at the department's election, and return shall be made as provided in the Montana Rules of Civil Procedure~~."

Section 13. Section 23-2-724, MCA, is amended to read:

"**23-2-724. Remedies to enforce compliance.** If any operator fails to comply with a legal order or rule of the ~~department~~ board, the ~~department~~ board, at its election, may:

(1) suspend the registration of the affected passenger tramway until the operator complies therewith; or

(2) bring injunctive proceedings in the district court of the judicial district in which the affected passenger tramway is located to compel compliance therewith. In such proceedings the ~~department~~ board shall not be required to

post bond."

Section 14. Section 23-2-725, MCA, is amended to read:

"**23-2-725. Judicial review.** Any order of the ~~department~~ board adverse to an operator may be appealed by the operator to the district court of the district wherein is located his passenger tramway which is the subject of such order, and said district court shall conduct a proceeding, de novo, and the decision of the district court shall be subject to appeal to the supreme court of Montana, as in civil cases."

Section 15. Section 23-2-734, MCA, is amended to read:

"**23-2-734. Duties of operator with respect to passenger tramways.** A ski area operator shall construct, operate, maintain, and repair any passenger tramway in accordance with the rules of the ~~department~~ board. However, nothing in this section relieves an operator from the duty of taking whatever other actions are necessary to properly construct, operate, maintain, and repair a passenger tramway."

NEW SECTION. **Section 16. Extension of authority.** Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. **Section 17.** Codification instruction. (1) [Section 1] is intended to be codified as an integral

part of Title 2, chapter 15, part 18, and the provisions of Title 2, chapter 15, part 18, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 23, chapter 2, part 7, and the provisions of Title 23, chapter 2, part 7, apply to [section 2].

NEW SECTION. **Section 18.** Coordination instruction. If __Bill No.__ [LC 0522] is passed and approved, __Bill No.__ [LC 0521] is void.

NEW SECTION. **Section 19.** Effective date. [This act] is effective January 1, 1990.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB258, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB258 creates a Board of Passenger Tramway Safety, transferring to the board the powers, duties and functions of the Department of Commerce relating to tramways and limiting liability.

ASSUMPTIONS:

1. The board will meet three times per year consistent with the current Tramway Advisory Council; however, the meetings will last two days rather than one day and compensation for the members will increase from $25 per day for council members to $50 per day for board members.
2. The location of board meetings and the respective costs will be comparable to the current expenditures of the advisory council.
3. The tramway rules will be completely redone in FY90.
4. Because the tramway program has never been budgeted to pay for Depart ment of Commerce support services and overhead, this adjustment would occur regardless of status as an advisory council or a board.
5. The figures used for the current program at the 1991 biennium executive budget recommendations.

FISCAL IMPACT:	FY90			FY91		
Dept. of Commerce Expenditures:	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Personal Services	$ 500	$ 2,100	$1,600	$ 500	$ 2,100	$1,600
Operating Expenses	16,539	18,370	1,831	16,579	18,370	1,791
Total	$17,039	$20,470	$3,431	$17,079	$20,470	$3,391
Funding:						
State Special Revenue	$17,039	$20,470	$3,431	$17,079	$20,470	$3,391
Revenues:						
Gross Receipts Tax	$25,742	$25,742	-0-	$25,742	$25,742	-0-
Registration Fee	2,125	2,125	-0-	2,125	2,125	-0-

Ray Shackleford 1/26/89
RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

GARY L. SPAETH, PRIMARY SPONSOR DATE

Fiscal Note for HB258, as introduced

HB 258

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By Rep. Bob Pavlovich, on January 26, 1989, at 8:30 a.m.

ROLL CALL

Members Present: All with the exception of:

Members Excused: None

Members Absent: Rep. Rob Blotkamp

Staff Present: Paul Verdon and Sue Pennington

Announcements/Discussion: None

HEARING ON HOUSE BILL 262

Presentation and Opening Statement by Sponsor: Rep. Hoffman, District 74, stated that HB 262 revises the laws relating to credit life and credit disability insurance in an effort to promote uniformity.

List of Testifying Proponents and What Group They Represent:
Neysha A. Humphreys
Kathy Irigoin
James Borchardt
Mike Sherwood, MTLA
Bob Pyfer, Montana Credit Unions League
Larry Akey, MT Association of Life Underwriters

List of Testifying Opponents and What Group They Represent:
None

Testimony: Ms. Irigoin had written testimony. See exhibit 1.

Mr. Pyfer stated that his association is in support of this bill. The credit unions will provide to their members credit life and credit disability insurance at no additional charge. There are a couple of technical difficulties with the bill, and, therefore, the amendments on page 19, line 17 and page 14, line 20,

that Kathy alluded to, we feel are quite important. The one on page 14, line 20, changing premium to rate is important to avoid conflict with the federal regulations. The second amendment on page 19, line 17, referring to the exclusion for insurance agents, where there is no commission being paid, is important to allow credit unions to continue to provide that service at no additional charge and at no commission.

Mr. Akey stated his association supports this bill and asks for a do pass recommendation.

Ms. Humphreys stated that her association supports the bill.

Questions From Committee Members: None

Closing by Sponsor: Rep. Hoffman stated that there was a lot of outside interest in the bill from people in the private sector. The state auditor's office is satisfied with the bill. I hope you will concur with them and pass the bill

DISPOSITION OF HOUSE BILL 262

Motion: Rep. Bachini moved a DO PASS.

Discussion: None

Amendments and Votes: Rep. Bachini moved a DO PASS on the amendments. See the attached copy of the amendments.

Recommendation and Vote: HB 262 received an unanimous DO PASS as amended.

HEARING ON HOUSE BILL 258

Presentation and Opening Statement by Sponsor: Rep. Spaeth, District 84. This bill will establish a board of passenger tramway safety. It gives the tramway board the responsibilities and duties to regulate the operation of tramways in the state of Montana.

List of Testifying Proponents and What Group They Represent:
Tim Prather, Red Lodge Mountain Ski Area, Red Lodge
Terry Allyn, Bridger Bowl Ski Area, Bozeman
Pat Melby, Montana Ski Area Assoc.
Jim Kembel, Dept. of Commerce
Norm Kurtz, Big Mountain, Whitefish

1-26-89
J. 415

STANDING COMMITTEE REPORT

January 26, 1989

Mr. Speaker: We, the committee on Business and Economic Development report that HOUSE BILL 258 (first reading copy -- white) do pass as amended .

Signed: _____
Robert Pavlovich, Chairman

And, that such amendments read:

1. Page 2, line 13.
Following: "department"
Insert: "of commerce"

Amendments to House Bill No. 258
First Reading Copy

For the Committee on Business and Economic Development

Prepared by Paul Verdon
January 26, 1989

1. Page 2, line 13.
Following: "department"
Insert: "of commerce"

VISITORS' REGISTER

Business & Economic COMMITTEE

BILL NO. 262 284 258 239 Dept DATE 1/26/89

SPONSOR Simpkins Hoffman Harper Spaeth

Please Put the number of H.B. that you

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Betty L Munoz	4208 Clark GTF	284	
NEYSHA A. HUMPHREYS	HELENA	262 X	
Jim KEMBEL	Dept of Commerce	258	
Dot Melby	Mont. Ski Areas Assn	258	
Kathy Irigoin	Helena	262	
James W. Burchyett	Helena	262	
Greg Allen	Mon. Ski Areas	258	
Connie L Erny	Boulder,	239	
Helena Lee	Helena	239	
Mike Sherwood	MTLA	262	
Bob Ryffer	Mont. Credit Unions League	262	
LARRY RILEY	MT ASSOC OF LIFE UNDERWRITERS	262	
NORM KURTZ	WHITEFISH MT	258	
TIMOTHY M. Prather	RED LODGE, MT	258	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND INDUSTRY

Call to Order: By Chairman Gene Thayer, on March 10, 1989, at 10:00 a.m.

ROLL CALL

Members Present: Chairman Thayer, Vice Chairman Meyer, Senator Boylan, Senator Noble, Senator Williams, Senator Hager, Senator McLane, Senator Weeding, Senator Lynch

Members Excused: None

Members Absent: None

Staff Present: Mary McCue, Legislative Council

Announcements/Discussion: None

HEARING ON HOUSE BILL 683

Presentation and Opening Statement by Sponsor:
Representative Marks, House District 75 said, HB 683 contained the revisions needed in the science and technology act. He stated the act provided the alliance with $1,500,000 per year, a total of $750.000.000 over a five year period, for financing new and standing technology based businesses in the state.

He said the bill established procedures by which the science and technology board of directors could operate the seed capital financing program. He stated the seed capital fund source was developed in the 1982 program, by which the in-state investment funds diverted a portion of the coal-severance trust fund. He said the fund had a $24,000,000 balance right now, and would continue to receive 12 1/2% of the coal tax collected. He said the fund would continue to be used by the board of investments as a source of asset based lending through commercial banks.

Representative Marks said the alliance's use of a portion of the fund would not infringe on the current

Recommendation and Vote: Senator Lynch made a motion HB 683 BE CONCURRED IN. Senator Noble seconded the motion. The motion Carried Unanimously. Chairman Thayer carried the bill on the Senate floor.

HEARING ON HOUSE BILL 258

Presentation and Opening Statement by Sponsor:
Representative Gary Spaeth, House District 84, said HB 258 was being introduced at the request of the Department of Commerce and the ski operators in Montana. He said the bill was an act to create a board for passenger tramway safety, and transfer powers, duties, and functions the Department of Commerce provided in relation to tramways. He said the act was primarily designed to answer tramway safety concerns in the operation of lifts and other public equipment. Representative Spaeth said the reason for making the change was because the Department of Commerce had multiple responsibilities, and there was a arising need to delegate regulation, to a board with more expertise in the specific area.

Representative Spaeth asked the committee to amend Section 2, page 2, line 22 which dealt with liability limits. He said the bill stated section 2-9-108 MCA, asked that be amended to read 2-9-305. He said 2-9-108 was the general governmental immunity section, and had limited immunity. He said he felt that section would be of very little use. He stated section 2-9-305 provided immunization and defense for public offices and employees sued for their actions taken within the course and scope of their employment. He said section 2-9-305 more accurately provided for the needs of the board.

List of Testifying Proponents and What Group They Represent:

Pat Melby - Montana Ski Areas Association

List of Testifying Opponents and What Group They Represent:

None

Testimony: Pat Melby said that when tramway safety was first established, it was administered by a board of tramway safety. He said that during the early 70's, most of the boards were eliminated, and advisory councils were created, and the Department of Commerce had been handling those responsibilities since that time. He stated HB 258 would bring this program into

compliance with the other boards, and would place the responsibility for regulating ski lifts with people who had the expertise.

Questions From Committee Members: Senator Boylan asked if the sunrise provision required the $6400 fee, when they created a new board? Representative Spaeth stated the program was already in existence. and only responsibility was being transferred, so the sunrise law did not apply.

Senator Boylan stated they had just encountered similar situations that had needed attention to the sunrise provision. Mary McCue said the statutes that talked about the sunrise requirement talked about the licensing of an occupational or profession, in other words, people. She stated this was regulation of a business, and did not apply.

Closing by Sponsor: Representative Spaeth asked the committee to support the bill, because he felt it was the right direction for the ski industry to take. He said it provided the ultimate in safety for the ski areas.

DISPOSITION OF HOUSE BILL 258

Discussion: Mary McCue responded that she concurred. Representative Spaeth's amendment was a good one.

Amendments and Votes: Senator Hager made a motion line 22, page 2, be amended to read 2-9-305. Senator McLane seconded the motion. The motion Carried Unanimously.

Recommendation and Vote: Senator Hager made a motion HB 258 BE CONCURRED IN AS AMENDED. Senator Boylan seconded the motion. The motion Carried Unanimously. Senator McLane carried HB 258 on the Senate Floor.

HEARING ON HOUSE BILL 734

Presentation and Opening Statement by Sponsor: Representative Fred Thomas, House District 62, said HB 734 established single licensure for insurance agents in Montana. He said there was a companion bill being carried by Representative Brown. He said the bill changed the name of an insurance agent to an insurance producer, which was a new model name and industry term. He stated the license would be renewed annually, instead of the current perpetual license. The bill set up a definition for a consumer service representative,

ROLL CALL

BUSINESS & INDUSTRY COMMITTEE

DATE 3/10/89

51st LEGISLATIVE SESSION 1989

NAME	PRESENT	ABSENT	EXCUSED
SENATOR DARRYL MEYER	✓		
SENATOR PAUL BOYLAN	✓		
SENATOR JERRY NOBLE	✓		
SENATOR BOB WILLIAMS	✓		
SENATOR TOM HAGER	✓		
SENATOR HARRY MC LANE	✓		
SENATOR CECIL WEEDING	✓		
SENATOR JOHN"J.D."LYNCH	✓		
SENATOR GENE THAYER	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

March 10, 1989

MR. PRESIDENT:

We, your committee on Business and Industry, having had under consideration HB 258 (third reading copy -- blue), respectfully report that HB 258 be amended and as so amended be concurred in:

Sponsor: Spaeth (McLane)

1. Page 2, line 22.
Strike: "2-9-108"
Insert: "2-9-305"

AND AS AMENDED BE CONCURRED IN

Signed: Gene Thayer
Gene Thayer / Chairman

3-10-89

scrhb258.310

DATE March 10, 1989

COMMITTEE ON Business & Industry

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Oppose
Don Ingels	Mt Chamber of Commerce	HB683	X	
MIKE PARKER	GT FALLS CAPITAL CORP	HB683	X	
Dustin Parker	Mike Parker	HB683	X	
Lexia Stratton	Gallatin Dev. Corp. Bozeman Chamber	HB683	X	
Carol Daly	Flathead Econ. Dev Corp	HB683	X	
Ron KLAPHAKE	Missoula Econ. Dev. Corp.	HB683	X	
Jim KEMBEL	BUSREGDIV/ DOC	HB258	X	
RICK NILL	PIAJIAM	HB734	X w/ Amendments	
John Murphy	Montana Power	HB683	X	
Steve Huntington	MSTA	HB683	X	
Pat Melby	Mont. Ski Areas Assn	HB258	X	
Dave Lewis	Board of Investments	HB683	X	
Roger McGlenn	JIA/11	HB-234	X	
Nancy Keenan	OPI	HB683	X	
Rep Tim Whalen	H.D.93	H.B.734	X	
CAROL Willis		HB734		
BARNIE Kimball		HB734	X	
Carol Richards		HB734	X	
Sue O'Neil		HB734		
Connie Perkins		HB734		
Karl Ohs	St. Paul Co.	247HB		X
Jacqueline Terrell	Amer. Ins Assoc.	HB 247		X
Bruce Lopez	Alliance of Am Insurers	HB247		X

(Please leave prepared statement with Secretary)